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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

GENENTECH, INC.,
 Plaintiff,
 vs.
 THE TRUSTEES OF THE UNIVERSITY OF
 PENNSYLVANIA, a Pennsylvania non-profit
 corporation,
 Defendant.

) Case No: 5:10-CV-2037-LHK (PSG)
)
) **THIRD JOINT STIPULATION AND**
) **ORDER TO EXTEND THE**
) **DEADLINES FOR (A) COMPLIANCE**
) **WITH A PORTION OF THE COURT'S**
) **NOVEMBER 22 ORDER AND (B) TO**
) **MOVE TO RECONSIDER THE**
) **COURT'S ORDER**
)
) **Hearing Date: TBD**
) **Time: TBD**
) **Judge: Hon. Magistrate Paul S. Grewal**
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1 WHEREAS on December 14, 2010, plaintiff Genentech, Inc. ("Genentech") and defendant
2 the Trustees of the University of Pennsylvania ("the University") filed a Second Joint Stipulation
3 and Proposed Order to Extend the Deadline for Compliance with A Portion of the Court's November
4 22 Order (Dkt. No. 66) from December 14, 2010 to December 28, 2010; and

5 WHEREAS the parties wanted the deadline extension to discuss whether there is a way to
6 limit Genentech's production of regulatory materials, other than the BLA Submissions (as that term
7 is used in the Court's November 22 Order), to avoid the production of irrelevant materials; and

8 WHEREAS, the parties are continuing to address the proper scope for production of the
9 regulatory materials and believe that an additional extension would benefit their discussion; and

10 WHEREAS, given the holidays, the parties expect that it may require additional time to work
11 out a compromise; and

12 WHEREAS, if the parties are unable to reach agreement, Genentech reserves the right to
13 move for reconsideration of the Court's Order;

14 THE PARTIES THEREFORE AGREE as follows:

- 15 1. The deadline for Genentech to comply with the following sentence in the Court's
16 November 22, 2010 Order, now set for December 28, 2010, is extended an additional
17 two weeks to January 11, 2011:

18 "In addition, to the extent there is responsive electronic data other than
19 the BLA Submissions in Defendant's possession, custody or control
20 that is responsive to Document Request No. 36, Plaintiff shall either
21 produce the unredacted data to Defendant by November 30, 2010, or
22 else file a declaration by that date showing why it cannot do so and
23 setting forth the earliest possible date that it will be able to do so."

- 24 2. The deadline for Genentech to file a Motion for Reconsideration of the Court's Order,
25 now set for December 28, 2010, is extended an additional two weeks to January 11,
26 2011.
- 27 3. No other provision of the Court's November 22, 2010 Order is changed.
- 28

1 SO STIPULATED:

2
3 Respectfully submitted,

4 Dated: December 28, 2010

SIDLEY AUSTIN LLP

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7 By: /s/
SANDRA S. FUJIYAMA

8 Attorneys for Plaintiff GENENTECH, INC.

9
10 Dated: December 28, 2010

IRELL & MANELLA LLP

11
12 By: /s/
13 GARY N. FRISCHLING¹

14 Attorneys for Defendants THE TRUSTEES OF
15 THE UNIVERSITY OF PENNSYLVANIA.

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28 ¹ Pursuant to General Order 45(X), the filer of this document hereby attests that concurrence in the filing of the document has been obtained from Gary N. Frischling.

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

1. The deadline for Genentech to comply with the following sentence in the Court's November 22, 2010 Order, now set for December 28, 2010, is extended an additional two weeks to January 11, 2011:

"In addition, to the extent there is responsive electronic data other than the BLA Submissions in Defendant's possession, custody or control that is responsive to Document Request No. 36, Plaintiff shall either produce the unredacted data to Defendant by November 30, 2010, or else file a declaration by that date showing why it cannot do so and setting forth the earliest possible date that it will be able to do so."
2. The deadline for Genentech to file a Motion for Reconsideration of the Court's Order, now set for December 28, 2010, is extended an additional two weeks to January 11, 2011.
3. No other provision of the Court's November 22, 2010 Order is changed.

SO ORDERED.

Dated: December 29, 2010


PAUL S GREWAL
United States Magistrate Judge